



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF DECEMBER 12, 2002**

CALL TO ORDER: Chairperson Manuel called the meeting to order at 7:05 p.m.

PRESENT: Chairperson Manuel, Commissioners Arneson, Cohen, Harrison, Weaver, Wieckowski

ABSENT: Thomas

STAFF PRESENT: Dan Marks, Planning Manager
Michael Barrett, Senior Deputy City Attorney
Roger Ravenstad, Senior City Landscape Architect
Paul Mewton, Assistant City Landscape Architect
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Mark Eads, Video Technician

APPROVAL OF MINUTES: Regular Meetings of June 13, June 27, August 8, September 12, October 10, November 7, and November 21, 2002, were approved as submitted.

CONSENT CALENDAR:

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 3, 4 AND 5:

IT WAS MOVED (WEAVER/ARNESON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1, 3, 4 AND 5:

ITEM 1. WAL-MART – 3045 Skyway Court – (PLN2000-00070; PLN2001-00290 + MIS2000-00308) - to consider Certification of an EIR (SCH#2001082059), a Conditional Use Permit, Preliminary Grading Plan and Planned Sign Program for a 155,652 square foot Wal-Mart store located at 3045 Skyway Court at the intersection of Osgood Road and Skyway Court in the Industrial Planning Area (Wal-Mart Store Inc., PLN 2000-0070, MIS 2000-0308). An Environmental Impact Report (PLN2001-00290) was prepared and circulated for this project for 45 days, beginning June 28, 2002 and concluding August 12, 2002. (Continued from November 21, 2002)

In response to a question from the public concerning the reason that this item was being continued, Planning Manager Marks explained that last-minute information had been received and staff needed time to review it.

Commissioner Harrison asked why a date certain had not been chosen for the continuance.

Planning Manager Marks stated that letters from various attorneys had been received and he was uncertain as to how long the review would take. He stated that the project had not been withdrawn and staff was working diligently on it.

Commissioner Weaver asked if the Commissioners should save the material in the current packets.

Planning Manager Marks recommended saving it.

CONTINUE TO A DATE UNCERTAIN, TO BE RENOTICED AT THAT TIME

- ITEM 3. SCIENTIFIC ACUPUNCTURE INSTITUTE – 3755 Fremont Boulevard – (PLN2003-00007)** - to consider a Conditional Use Permit for a quasi-public acupuncture institute in an existing building in the Centerville Planning Area. This project is categorically exempt from CEQA review under Section 15301, Existing Facilities.

APPROVE, BASED ON FINDINGS AND SUBJECT TO CONDITIONS.

MODIFICATIONS TO CONDITIONS:

8. ~~Signs of any type, including advertising said business, shall be prohibited on premises.~~ One sign shall be allowed to identify premises or occupants thereof. The applicant shall apply for a separate sign permit with the Development Services Center, subject to approval of PLN2003-00007. The sign shall be reviewed for its size, location, and consistency with the existing residential character.
14. The applicant shall submit to the Development Services Center tenant improvement plans, which will detail the changes required to achieve compliance with Uniform Fire Code and Uniform Building Code as they pertain to change from existing residential occupancy classification (R3) to professional use occupancy classification (B2).

- ITEM 4. NORTHGATE SENIOR AND COMMUNITY CENTER – 34100 Milton Drive – (PLN2003-00049)** - to consider a Conditional Use Permit for a 16,000 square foot, single-story senior and community center located in the Northern Plain Planning Area. This project is categorically exempt from CEQA review under Section 15332, In-Fill Development Projects.

APPROVE, BASED ON FINDINGS AND SUBJECT TO CONDITIONS.

- ITEM 5. CABRILLO PARK CAFÉ – 4673 Thornton Avenue, Suite I – (PLN2003-00110)** - to consider a Conditional Use Permit to allow the sale and service of beer and wine in an existing restaurant located in a shopping center in the Central Planning Area. This project is categorically exempt from CEQA review under Section 15301, Existing Facilities.

APPROVE, BASED ON FINDINGS AND SUBJECT TO CONDITIONS.

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Harrison, Manuel, Weaver, Wieckowski
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Thomas
RECUSE: 0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS None

PUBLIC HEARING ITEMS

- ITEM 2. GATEWAY AMENDMENT TO P-98-7 NILES STATION - Black Mountain Circle - (PLN2002-00227)** - to consider a City-initiated Planned District Minor Amendment to modify Condition Of Approval A-25 of Exhibit C of P-98-7 and strike Conditions Of Approval A-4 and A-5 of Exhibit C of P-98-7 Landscaping to reflect the standards of the recently adopted City of Fremont Gateway Plan, as directed by City Council. The parcel is located between Mission Boulevard and Black Mountain Circle north of King Avenue in the Niles Planning Area. This project is categorically exempt from CEQA per section 15303 (e), new construction or conversion of small structures, accessory structures.

Commissioner Cohen recused himself because he represented one of the property owners who sold the property to K&B.

It was decided that Commissioner Harrison did not need to recuse himself at this time, since his wife no longer worked for K&B.

Senior City Landscape Architect Ravenstad introduced Paul Mewton, Assistant City Landscape Architect, who would make the presentation.

Assistant City Landscape Architect Mewton stated that staff was requesting approval of a gateway entry sign in place of the original sign proposed by K&B as part of the original planned district. In January, 2002, specific design concepts for gateway entry signs throughout the City were approved by City Council. The original approved sign by K&B now conflicted with the planned district conditions.

Chairperson Manuel opened and closed the public hearing.

Chairperson Manuel asked if the other signs that were to be placed at gateways throughout the City were on public or private property. She also asked if placing the sign in the Mission Boulevard median had been considered.

Senior City Landscape Architect Ravenstad replied that fourteen signs were proposed and were to be in the right-of-way or easements. This sign would be placed in an easement. The preferred location was in the median. However, the City could not ask the developer to build and place a sign on City property.

Commissioner Wieckowski asked if the developer could contribute funds to the City, which would allow locating a sign in the preferred median location.

Senior City Landscape Architect Ravenstad stated that the Gateway Concept Plan implementation phase had been held back, due to budget constraints. The best way to assure that the gateway signs were installed was to have the developers do it.

Chairperson Manuel asked the cost of each sign and where this particular sign would fall in cost. She asked if any other gateway signs were planned and if they would ever be created and installed in the near future, due to the budget crisis. How much was dedicated by K&B for this sign?

Senior City Landscape Architect Ravenstad stated that the cost of each sign ranged from 25,000 to 50,000 dollars each. He replied that this sign would cost nearer the higher estimate. At this time, there was no plan for gateway signs that would be paid by the City to be installed. He understood that no particular funds were identified, only the City's requirement to provide the sign.

Commissioner Wieckowski recalled that he had originally voted against the sign at an earlier meeting because he desired a sign that acknowledged the unique and historic aspect of Niles. He understood the Council's wish to have unified signage throughout the various districts of the City.

Vice Chairperson Arneson asked if there was really a choice, given that the Council approved the Gateway Concept Plan that imposed a standard design for all Gateway signs.

Senior City Landscape Architect Ravenstad stated that if staff's recommendation was approved, that would be the end of it. However, if staff's recommendation was not approved, City Council would have to decide between the design that had been approved within the planned district or the design for the Gateway Concept Plan.

Chairperson Manuel liked the signs presented within the Gateway Concept Plan. However, she suggested that K&B could be required to provide two signs; something small and less expensive that would be placed on their property with the preferred Gateway Concept Plan sign in the median. It was important that people coming into Niles be made aware that Niles was a greater entity than the three streets that made up the business district.

Commissioner Harrison asked if the stone portion of the sign could be used to designate the Niles District.

Senior City Landscape Architect Ravenstad replied that the Gateway Concept Plan was structured specifically not to address the different districts in the City.

Planning Manager Marks recalled that a signage plan was funded for the commercial district of Niles. He recognized that this plan would not address the Niles District as a whole.

Commissioner Weaver agreed with Chairperson Manuel. She feared that the City's history would be lost when all the districts were included within the City as a homogenous whole, rather than noting what each of the five separate areas had contributed. However, given the Council's direction, she doubted that anything could be done about providing individual gateway signs.

Chairperson Manuel believed that a message should be sent to the Council that the Planning Commission agreed that the standard signs would unify the City, but that the individual districts needed to be recognized for their uniqueness and independent flavor that "makes Fremont Fremont." The developer should be approached about two signs rather than one.

Commissioner Wieckowski asked if the condition were approved but modified to require that the gateway sign be placed in the median, what kind of economic effect would it have on the City.

Senior City Landscape Architect Ravenstad stated that it would not be built, within the current budget circumstances.

Commissioner Wieckowski asked if the developer's 500,000-dollar bond would continue to be held.

Senior City Landscape Architect Ravenstad stated that if the Council agreed to the modified condition, the bond would not continue to be held and the City would accept cash for the cost of the sign. The developer was required to pay only for the sign, but not the accompanying costs, and the developer could create and install the sign for less money than the City could.

Planning Manager Marks stated that the money that the developer might give to the City would not be sufficient to cover the cost of the City installing the sign in the median. Therefore, there would be no sign.

Vice Chairperson Arneson asked if the gateway sign could be approved, along with a small Niles sign.

Planning Manager Marks stated that her suggestion would add to a condition that the developer had already agreed to, which required that they provide one sign. This project has been with the City for approximately four years and the developer wanted to proceed with it as quickly as possible. He did not believe that the developer would be amenable to a change in the condition.

Vice Chairperson Arneson asked if the landscape architects had a solution.

Senior City Landscape Architect Ravenstad replied that, in his opinion, two signs next to each other at the City's entry could be confusing. A secondary sign could be located a block down, which could be a part of the Niles signage plan.

Vice Chairperson Arneson asked how the Niles sign program could fund another sign.

Planning Manager Marks replied that the Niles sign plan would be paid by the redevelopment agency, although the area under discussion was outside of the redevelopment agency's purview.

Senior City Landscape Architect Ravenstad stated that the redevelopment agency did not preclude considering other funding regarding a particular decision concerning a sign. There was no funding available, but the idea could be forwarded and held until funding became available.

Vice Chairperson Arneson suggested a motion that stated that the Planning Commission recommended that the redevelopment agency, any applicable agency, or a future planned district with offsite amenities, add an appropriate Niles sign along Mission Boulevard near the end of the KB project.

Chairperson Manuel stated that her intent was not to create visual confusion at the border, but felt that the signage approved along with the planned district seemed to be superceded by the Gateway Plan. No consideration had been given for what the greater goal that was to be achieved when the planned district was approved. She would not support the motion.

Commissioner Harrison asked if some future developer could be required to support a sign along Mission Boulevard.

Planning Manager Marks stated that amenity fees had already been collected from the developer of the Kraft Tile site and the money was used somewhere else in the City. He suggested that the next development in Niles with amenity fees could be required to contribute to a sign and it could be a part of the motion.

Commissioner Harrison stated that he would support such a motion.

Commissioner Wieckowski asked if it was possible to fund a sign through the redevelopment of the State historic park system in Niles or any of the other up and coming projects, such as the Big Daddy's site.

Senior City Landscape Architect Ravenstad replied that he knew of no State sign grant program that could be used. Grant seed money had been put aside for Vallejo Mills Park when grants became available. The Big Daddy's site had already been designated as a gateway.

Planning Manager Marks added that the Niles Sign Plan would direct people into downtown Niles, which was a separate program and did not address Chairperson Manuel concerns.

IT WAS MOVED (ARNESON/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (3-2-0-0-1) THAT THE PLANNING COMMISSION APPROVE, BASED ON FINDINGS AND SUBJECT TO CONDITIONS;

AND

RECOMMENDS THAT THE REDEVELOPMENT AGENCY, OR A FUTURE PLANNED DISTRICT WITH OFFSITE AMENITIES, ADD AN APPROPRIATE NILES SIGN ALONG MISSION BOULEVARD NEAR KING AVENUE WHEN FUNDING WAS AVAILABLE.

Commissioner Harrison clarified that this motion was not mandated, but was a recommendation to a future developer.

The motion carried by the following vote:

AYES: 3 – Arneson, Harrison, Weaver
NOES: 2 – Manuel, Wieckowski
ABSTAIN: 0
ABSENT: 1 – Thomas
RECUSE: 1 – Cohen

MISCELLANEOUS ITEMS

ITEM 6. ALTA VISTA LANDSCAPE PLAN – End of Starlite Way, south of Interstate 680 – (PLN2002-00310) – to receive final plans, as requested by the Planning Commission, for an informational review of the Alta Vista landscape plan. On September 12, 2002, the Planning Commission approved the Alta Vista project for nine single-family homes in the Warm Springs Planning Area with the understanding that the applicant revise the Landscape Plan to address screening issues. A Mitigated Negative Declaration was previously adopted for this project.

Vice Chairperson Arneson questioned if the current landscaping plan would provide the necessary screening for the residents living below the development.

Assistant City Landscape Architect Mewton replied that even a leafless deciduous tree provided screening, once it reached a certain height. He believed the plan would work.

Planning Manager Marks agreed that the plan was not exactly consistent with what had been requested by the Planning Commission; however, he believed the screening objective would be achieved.

Chairperson Manuel noted that the row of Photinias would provide a secondary barrier.

Information from Commission and Staff:

- Election of officers

IT WAS MOVED (ARNESON/WIECKOWSKI AND WEAVER) AND CARRIED BY ALL PRESENT THAT THE COMMISSION **ELECT COMMISSIONER COHEN TO SERVE AS CHAIRPERSON FOR THE YEAR 2003.**

IT WAS MOVED (MANUEL/HARRISON, WIECKOWSKI AND ARNESON) AND CARRIED BY ALL PRESENT THAT THE COMMISSION **ELECT COMMISSIONER WEAVER TO SERVE AS VICE CHAIRPERSON FOR THE YEAR 2003.**

The motion carried by the following vote:

AYES: 6 – Arneson, Cohen, Harrison, Manuel, Weaver, Wieckowski
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Thomas
RECUSE: 0

- Information from the Commission:

Commissioner Weaver asked that the annual dinner be agendaized for the next meeting. It was agreed that the outgoing and incoming Commissioners and staff would be invited.

- Information from Staff:

Planning Manager Marks read the Resolutions of Appreciation for retiring Planning Commission Chairperson Manuel and Vice Chairperson Arneson.

Vice Chairperson Arneson thanked the Commission and staff. She stated that serving on the Planning Commission had been a remarkable experience, although it had been very time consuming. Her personal goal had always been to keep the City of Fremont a city of quality and to keep the districts and neighborhoods desirable places to live. She expressed appreciation for the different viewpoints brought to each project by the Commissioners and the respect shown for each perspective. She thanked staff for its outstanding work. She expected that the Commission, with its two new members, would continue with its wonderful work.

Planning Manager Marks then read the Resolution and Appreciation and Commendation for Laurie Manuel.

Chairperson Manuel began her comments by paraphrasing a song by stating that “what long, great and sometimes difficult trip this has been.” She thanked all planning staff for sharing its professional knowledge with her and the entire City and she thanked the support and technical staff for “making it all happen.” She thanked the two mayors who appointed and reappointed her, along with the Council Members. She thanked the other Commissioners for their time that was given tirelessly and thanklessly for the betterment of the City. She expressed hope that the City Council would grow to respect the job that the Planning Commission did. She encouraged the Commissioners to “never give up the quest to bring quality to this City . . . and to continue to challenge mediocrity.”

Commissioner Weaver wished Chairperson Manuel and Vice Chairperson Arneson well and stated that she had learned “the ins and outs” of planning from them. If she could be half as good as the two of them had been, she would feel she had done her job.

Commissioner Harrison noted that Chairperson Manuel and Vice Chairperson Arneson represented twenty of years of experience on the Commission, which would be hard to follow. He, too, had taken into consideration their comments when making a planning decision.

Commissioner Wieckowski stated that their passion and commitment was wonderful to experience and caused him to look forward to the bimonthly meetings. They were community models and would be missed. He would do his best to emulate the commitment both had towards excellence in the City.

Commissioner Cohen stated that, in the future, when reviewing a project, he would think how Chairperson Manuel and Vice Chairperson Arneson would see it. Their perspectives made up for his shortcomings and he would miss them.

Chairperson Manuel replied that she expected that the two new members would bring much to the Commission.

Meeting adjourned at 8:15 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte
Recording Clerk

Dan Marks, Secretary
Planning Commission